SINGLE BENCH

(1)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 6204 **/2005**

PETITIONER :- Brij Bhushan Tripathi S/o late Jagat Narayan Tripathi, aged about 35 years, R/o Sector –6, Bhilai, District Durg [C.G.].

P.R. No. 6261/05
Presented by Shri Anil Pashwan
dated 6/12/05

VERSUS

RESPONDENTS :-

1] State of Chhattisgarh, through Secretary, Home Department, D.K.S. Bhavan, Raipur [C.G.].

2] D.I.G. and Senior Superintendent of Police, Durg [C.G.].

3] S.D.O.P Shri C.P. Shukla, Berla, Enquiry Officer [Departmental] through- S.S.P. District Durg [C.G.]

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6/12/05
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WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No. 6204/05 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

13/2/2006

Shri T.K. Tiwari, counsel for the petitioner.

Shri Satish Gupta, Dy. Govt. Advocate for the State of Chhattisgarh.

Heard.

While pending writ petition No. 3505/2005 (Brij Bhushan Tripathi vs. State of Chhattisgarh and another), the petitioner preferred the instant petition (W.P. No. 6204/2005) with a prayer that the enquiry officer be directed to conduct the enquiry in accordance with law. It is pointed out that the inquiry was conduced by way of calling witnesses out of list given in charge sheet and the petitioner has not been given sufficient notice. Learned counsel submits that the provisions of Rule 14 of C.G. Civil Services (Classification, Control & Appeal) Rules 1966 should be followed.

Learned counsel states that the witness has since been examined and cross-examined. He however states that it may be taken in future causing prejudice.

Reliance is placed upon the decision of Hon'ble Supreme Court rendered in the case of Rattan Lal Sharma vs. Managing Committee, Dr. Hari Ram (Co-Education) Higher Secondary School and others reported in (1993) 4 SCC 10.

Having considered the facts and circumstances of the case and material on record, since the witness has been examined, so far as exercise of extraordinary jurisdiction under Article 226/227 is concerned, no case is made out for interference. It is open to the

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petitioner to raise the ground before the disciplinary authority or the departmental appeal in case such an eventuality arises.

Before parting, it is directed that the inquiry shall be held strictly in accordance with the provisions of C.G. Civil Services (Classification, Control and Appeal) Rules, 1966.

The petition is accordingly disposed of.

Consequently, M. (W.) P. No. 4918/05 and I.A. No. 10255/05 also stand disposed of.

Sd/-
Fakhruddin
Judge

Pathak

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